

Mayor Patrick L. McCrory Mayor Pro Tem Susan Burgess

Michael D. Barnes
Nancy Carter
Warren Cooksey
Andy Dulin
Anthony Foxx

Patsy Kinsey
John Lassiter
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL MEETING
Monday, February 23, 2009

In addition to the previously advertised public hearing items, Key Businesses have asked that the time sensitive items listed below not be deferred.

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8	7	Lease for Governor's Regional Office
11-D	12	Signal Installation at Milton Road and W.T. Harris Boulevard
24	27	Procurement Card Program Services
33	41	Scaleybark Partners LLC Ownership Restructuring

CITY COUNCIL AGENDA
Monday, February 23, 2009

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**6:30 P.M. CITIZENS' FORUM
MEETING CHAMBER**

**7:00 P.M. AWARDS AND RECOGNITIONS
MEETING CHAMBER**

CONSENT

- 1. Consent agenda items 11 through 39 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

ZONING

2. Rezoning Petition #2008-140

Action: Render a decision on proposed rezoning #2008-140 by David Thompson, for a change from R-3, single family residential to UR-3 (CD), urban residential conditional district for approximately 1.0 acre located on the east side of Park Road between Sharon Road and Wolfe Ridge Road.

Staff Resource: Tammie Keplinger, Planning

Explanation

- The decision on this protested petition was deferred on February 16 as all Council members were not present at the meeting.
- The Zoning Committee unanimously found this petition to be consistent with the South District Plan and the General Development Policies but not reasonable and in the public interest. The Committee unanimously recommended denial of this petition. The following modifications were made to the petition:
 - Non-residential uses have been deleted.
 - Details of the retaining walls have been included.
 - Calculations demonstrate no reflective glare will occur off the site.
 - Agreed to submit a Solid Waste Management Plan.

Attachment 1

Zoning Committee Recommendation
Vicinity Map
Locator Map
Site plan
Elevations

POLICY

3. City Manager's Report

Proposed Solid Waste Services Modifications

4. Planning Liaison Committee Structural Changes

Action: Approve the Planning Liaison Committee recommendation to adopt a Joint Resolution to implement changes to the structure of the Planning Liaison Committee.

Staff Resources: Jonathan Wells, Planning

Explanation

- The Planning Liaison Committee (PLC) includes Council members Burgess, Kinsey and Lassiter; along with members of the Mecklenburg County Commission, Charlotte Mecklenburg School Board and town boards.
- In 1977 the Planning Liaison Committee was created by City Council resolution, with membership consisting of members of Council, County Commission, Board of Education, and Planning Commission (with Planning Commission chair the convener and Planning staff support).
- The 1977 Council resolution requested that PLC examine joint use opportunities of public facilities and properties.
- In 1995 City Council and County Commission adopted resolutions supporting joint capital planning, and the PLC mission was defined to recommend needs, issues, and strategies on infrastructure and capital programs. Membership was also clarified to consist of three members each from Council, County Commission, and Board of Education.
- In 1998 a joint resolution (Council, County Commission, Board of Education) extended membership of PLC to include one member of each Mecklenburg town board.
- In 2002 a PLC sub-committee confirmed the group's organizational structure.
- In 2008 PLC identified and recommended additional structural changes to be considered for adoption by Joint Resolution of the governing boards of all member entities.

Committee Recommendation

- On January 16 the PLC recommended the following changes:
 - Membership to be expanded to include Planning Directors of Charlotte, six Mecklenburg Towns, and CMS
 - Membership to be expanded to include chairs of Planning Committees/Boards of six Mecklenburg Towns
 - Committee's name to be changed to Planning Coordinating Committee.
 - Planning Coordinating Committee to meet twice yearly (once each in the spring and fall), with one meeting in a joint luncheon format with all elected officials of local boards invited, and the other meeting held to update members on planning activities, receive information as needed, and identify potential strategies/priorities
 - The 2002 definition of PLC organizational structure (unless superseded by the above) shall continue to be respected.

Attachment 2
Joint Resolution

5. Newsrack Ordinance

Action: Adopt a Newsrack Ordinance.

Resources: Bob Hagemann, City Attorney's Office
Doreen Szymanski, Transportation
Michael Smith, Charlotte Center City Partners

Explanation

- For several years, Charlotte Center City Partners has worked with stakeholders on a proposal to address the proliferation of newsracks on City sidewalks, which can cause safety concerns, interfere with vehicular and pedestrian movement and access, and are becoming increasingly, aesthetically displeasing.
- This effort has been undertaken in consultation with City staff and the newspaper and publication industry to respect First Amendment rights, preserve publication distribution, and provide continued service to the public.
- The stakeholder group included representatives from the publication industry, distributors, and building managers who have reviewed and approved the draft ordinance

Ordinance Provisions

City-wide Regulations

- Publishers must register and provide contact information.
- Newsracks must to be kept clean and in good repair.
- Newsracks placed:
 - At least two feet from back of curb
 - To allow four feet of clear pedestrian passage
 - At least four feet from fire hydrants, driveways and crosswalks
 - To protect transit stops, loading zones and sightlines at intersections
- CMPD may require removal of newsracks for special events.
- Non-compliant newsracks may be removed after notice and opportunity to cure.
- \$50 civil penalty for non-compliance (no criminal enforcement)
- Administrative appeal process is available

Modular Newsracks

- Authorizes the City Manager to establish a modular newsrack zone in Municipal Service District 3 (area generally bounded by College and Church streets from either end of the I-277 freeway loop).
 - Modular newsracks consolidate and organize various publications in a singular structure
 - Current plans are to place modular newsracks on Tryon Street between Hill and Ninth Streets.
 - Free standing newsracks are prohibited in the modular zone
 - Total capital costs for Tryon Street modular newsracks are estimated to be \$260,000, funded equally by Charlotte Center City Partners (CCPC) and the Charlotte Regional Visitors Authority (CRVA).

- Maintenance and administration funded by annual \$50 fee per space
- The program will be administered by CDOT in cooperation with Charlotte Center City Partners.
- Maintenance will be provided by Solid Waste Services, Special Services Division, which currently services the Uptown, and will no longer need to remove newsracks along Tryon Street during special events.
- Spaces will be allocated through a lottery and draft.
- Modular newsracks will accommodate up to 324 publication spaces (there are approximately 300 newsracks currently on Tryon Street).
- A pilot modular newsrack program will begin in late March 2009. The effective date of the ordinance is July 1, 2009.

Funding

Capital costs will be funded by CCPC and CRVA. CDOT and Solid Waste Services Operating Budgets will fund administration and maintenance costs, supported by fees paid by space users.

Attachment 3

Newsrack Ordinance

6. Resolution Supporting Advisory Group to the Office of Urban Policy

Action: Consider a resolution supporting the creation of a broad and diverse advisory group to help the proposed federal Office of Urban Policy reach out to cities.

- At the January 26 Council meeting, Council member Carter shared a resolution supporting the proposed federal Office of Urban Policy having an advisory group to provide a direct voice from large cities. The purpose of the group would be to reach out to cities across the country to assist them in working to adopt best practices available to improve the quality of life for urban residents and for those who do business in our cities.
- On January 26 Council agreed to place this on a future agenda.
- The cities of Cleveland, Denver, Indianapolis, Seattle and Winston-Salem are considering the resolution.

Attachment 4

Resolution

BUSINESS

7. Gross Receipts Tax on Heavy Equipment

- Action:**
- A. Enact an ordinance levying a local tax on gross receipts derived from short-term leases or rentals affecting certain Heavy Equipment in lieu of a property tax on said items as defined by S.L. 2008-144, and**
 - B. Adopt a resolution authorizing the City Manager to enter into an interlocal agreement with Mecklenburg County to collect the City's receipts taxes on short-term lease or rental of Heavy Equipment under terms and conditions negotiated by the City Manager.**

Staff Resource: Scott Greet, Finance

Background

- Senate Bill 1852 entitled "An Act to Resolve Problems with Applying Property Tax to Heavy Equipment Rented on a Short-Term Basis by Replacing the Property Tax on this Equipment with a Tax on the Gross Receipts from Renting the Equipment" was signed into law on August 2, 2008.
- This bill repealed the property tax on heavy equipment but authorized municipalities to replace revenue lost through the tax repeal by levying a gross receipts tax on gross receipts from short-term lease or rental of heavy equipment at retail.
- On December 16, 2008, Mecklenburg County passed an ordinance to levy a heavy equipment gross receipts tax of 1.2% for the County.
- This gross receipts tax is in addition to the privilege taxes authorized by G.S. § 160A-211 and any other gross receipts tax that may be applicable in our municipality.

Explanation

- G.S. § 153A-156.1 defines Heavy Equipment as:
 - It is a self-propelled vehicle that is not designated to be driven on a highway.
 - It is industrial lift equipment, industrial material handling equipment, industrial electrical generation equipment, or a similar piece of industrial equipment.
 - An example of a piece of equipment that would be taxed under the legislation is a 4WD Standard Backhoe. Published rental rates are as follows:

– One week:	\$ 600	Tax increment:	\$ 4.80
– Four weeks:	\$ 1,800	Tax increment:	\$ 14.40
- County Tax Office staff are unable to estimate the revenue from this tax due to the County's current collection methodology. Heavy Equipment is aggregated with other business property and therefore is undistinguishable from total business property.
- A preliminary canvas by County staff estimates that 39 businesses would be affected countywide. This would typically only effect businesses such as Sunbelt rentals.

- This ordinance imposes a tax of 0.8% on the gross receipts from the short-term lease or rental of heavy equipment. This tax only applies to businesses whose principal business is the short-term lease or rental of heavy equipment at retail.
- The City-County Tax Collector will administer and collect the tax from every person engaged in the business of short term leasing or rental of Heavy Equipment. The Tax Collector may promulgate additional rules and regulations necessary to implement and administer the taxes.
- Levying and collection of the tax shall be handled in the same way as the sales and use tax.
- The ordinance will require businesses subject to the tax to include a provision in each short-term lease or rental agreement stating that a tax of eight-tenths of one percent (0.8%) of the total lease or rental price, excluding sales tax, is being charged. The amount of the tax is separately stated from the lease or rental amount and is also shown separately on the business's records. The business is liable for the collection of the tax and paying it to the Tax Collector. Even if the business does not collect the tax from the customer, the business is still liable for the tax.
- The taxes levied and imposed by the ordinance shall become effective on July 1, 2009.
- This ordinance will designate the Mecklenburg County Manager, or his designee, to act as deputy for the purpose of compromising or forgiving any penalty or additional tax imposed by the ordinance, and for conducting any hearings and making decisions to determine the validity of any tax imposed by the Tax Collector.
- This action also authorizes the City Manager to enter into an agreement with Mecklenburg County to collect the City's gross receipts taxes on short-term lease or rental of Heavy Equipment under terms and conditions negotiated by the City Manager.

Attachment 5

Resolution
Ordinance

8. Lease for Governor's Regional Office

Action: Authorize the City Manager to execute a three year lease agreement with State of North Carolina for rental of office space in the Charlotte-Mecklenburg Government Center for the Governor's Regional Office.

Staff Resources: Ron Kimble, City Manager's Office
Gina Shell, Engineering and Property Management

Explanation

- The Governor's Office is interested in leasing approximately 1,350 square feet of office space on the second floor of the Charlotte-Mecklenburg Government Center (CMGC) for a regional office.

Terms of the Lease Agreement

- Three-year term beginning as soon as the space is available, no earlier than March 1 and no later than March 15, 2009.

- Rent of \$18,000 per year for the first year with a 3% increase each successive year.
- Rent amount reflects base rate charged to all other CMGC tenants plus charges to cover additional provisions.
- Includes building services and utilities as currently provided to all building tenants through normal CMGC operations.
- Additional provisions include:
 - Occasional use of two underground parking spaces; two employee parking spaces in Davidson Street parking garage, and parking validation privileges for visitors up to \$500 per year.
 - Installation of two employee identification card swipes and one keyed door lock
- The space will be made available to the Lessee in its current configuration, freshly painted and cleaned.
- Any future alterations, additions or improvements to the premises shall be approved by Lessor and performed under Lessor's supervision. Upon completion of such work, Lessee is responsible for paying for all costs related to the changes made.

9. Appointments to Boards and Commissions

Action: Vote on blue paper ballots and give to Clerk at dinner.

A. AIRPORT ADVISORY COMMITTEE

- One appointment for a Westside resident for an unexpired term beginning immediately and ending July 31, 2011.
 - Darryl A. Broome nominated by Council members Barnes, Foxx and Turner
 - Christopher G. Combis nominated by Council members Dulin and Lassiter
 - Russell G. McMillan nominated by Council members Carter, Cooksey, Kinsey, Mitchell and Peacock
 - Dorothy Waddy nominated by Council member Burgess

Attachment 6

Applications

B. CITIZENS' TRANSIT ADVISORY GROUP

- One appointment for an unexpired term beginning immediately and ending June 30, 2009, then continuing for the next full three year term ending June 30, 2012.
 - Henry M. Antshel nominated by Council members Burgess, Foxx, Lassiter, Mitchell and Peacock
 - Joel A. Gilland nominated by Council member Barnes
 - Robert W. Kimrey nominated by Council member Turner
 - Rodney W. Moore nominated by Council member Carter
 - Corine Thomas nominated by Council member Kinsey
 - Geoffrey A. Zawtocky nominated by Council members Cooksey and Dulin

Attachment 7

Applications

C. KEEP CHARLOTTE BEAUTIFUL

- One appointment beginning immediately and ending June 30, 2009, then continuing for the next full three year term ending June 30, 2012.
- One appointment beginning immediately and ending June 30, 2010.
 - Sara K. Downing nominated by Council member Dulin
 - Dean R. Pawlowski nominated by Council members Dulin and Lassiter
 - Stephen P. Scott nominated by Council members Barnes, Burgess, Carter, Mitchell and Turner
 - Stephanie M. Stenglein nominated by Council members Burgess, Carter, Cooksey, Foxx, Kinsey, Lassiter and Peacock
 - Corine Thomas nominated by Council members Mitchell and Turner

Attachment 8

Applications

D. TREE ADVISORY COMMISSION

- One appointment for a three year term beginning immediately and ending December 13, 2011.
 - Matthew McLaren nominated by Council members Carter, Foxx, Kinsey, Lassiter, Mitchell, Peacock and Turner
 - Dean R. Pawlowski nominated by Council members Barnes, Cooksey and Dulin
 - Geoffrey Zawtockki nominated by Council member Burgess

Attachment 9

Applications

10. Mayor and Council Topics

Council members may share information and raise topics for discussion.

Introduction to CONSENT

The consent portion of the agenda is divided into two sections: Consent I and Consent II.

Consent I consists of routine items that have been approved in the budget, are low bid and comply with Small Business Opportunity Program Policy.

Consent II consists of routine items that have also been approved in the budget, but require additional explanation.

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise. For the procurement of professional services and/or engineering architectural and surveying services, the North Carolina General Statutes 143-64.31 requires that units of government "select firms qualified to provide such services on the basis of demonstrated competence and qualification...without regard to fee other than unit price information, and therefore to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm."

CONSENT I

11. Various Bids

A. Nightingale Storm Drainage Improvement EPM

Staff Resource: Matthew Gustis, Engineering & Property Management

Action

Award the low bid of \$ 2,846,613 by United Construction. This project consists of improvements to an existing storm water infrastructure system to reduce house and road flooding and channel erosion in an area bounded by NC-51, I-485, and McMullen Creek. The project will benefit the Park Ridge and Falconbridge neighborhoods. The work includes storm system piping, channel grading, bank stabilization, stream restoration, and associated work. Construction completion is scheduled for fourth quarter of 2010.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 8.6%

United Construction Inc. committed 8.60% (\$245,000) of the total contract amount to the following SBE firms: Carolina Wetland Services (\$17,000), Bardwill Trucking (\$14,000), Solano's Trucking (\$40,000), Streeter Trucking (\$160,000), and Myrick's Trucking (\$14,000).

B. Pineville Water Main Replacements**CMU****Staff Resource:** Doug Bean, Utilities**Action**

Award the low bid of \$976,720.80 by Bullseye Construction for the construction of replacement water mains within the Town of Pineville. These mains are older, small diameter water mains that have experienced a high rate of leaks and breaks. The Town of Pineville has coordinated its plans to repave these streets with the completion of this work.

Small Business Opportunity

Established SBE Goal: 8%

Committed SBE Goal: 20.48%

Bullseye Construction exceeded the SBE established goal and committed \$200,000 to Dallas 1 Construction.

C. FY2007 Annexation Withers Cove**CMU****Staff Resource:** Doug Bean, Utilities**Action**

Award the low bid of \$379,612.25 by State Utility Contractors, Inc. for construction of 2,709 linear feet of 16-inch water transmission main along Shopton Road West, including a horizontal directionally drilled bore underneath Withers Cove. This project provides the newly annexed area with access to City water and sewer services through public right-of-way gravity sewer and water mains. Construction is scheduled for completion by June 2009.

Small Business Opportunity

Established SBE Goal: 3%

Committed SBE Goal: 0.263%

State Utility Contractors failed to meet the goal, but earned the required Good Faith Effort Points (Part B: Section 2.1 of the SBO Policy.) State committed \$1,000 to D's Trucking. Non-SBE subcontractors on the project are HD Supply, Mainline Supply, US Pipe, Martin Marietta, and Vulcan. Currently there are no certified SBE pipe suppliers.

D. Signal Installation at Milton Road and W.T. Harris Boulevard**CDOT****Staff Resource:** Bryan Tarlton, Transportation**Action**

Award the low bid of \$145,254.37 by Bryant Electric Repair and Construction Inc. for signal installation. This contract provides for the signalization work involved in the W.T. Harris-Milton Road Intersection Enhancement Project. The contract for the necessary roadway improvements at the intersection will be submitted for consideration at a future Council meeting. This contract includes the installation of metal strain poles, strain pole foundations and associated hardware, span wire, conductor cable, traffic signal heads, interconnect, trenching, conduit, embedded loop detectors, weather-heads, overhead street name markers, overhead signs and pull boxes as part of the signalization project.

Small Business Opportunity

Under the revised SBO Policy, construction contracts under \$200,000 are considered informal with regard to the SBE subcontracting goal setting process, therefore establishing SBE goals are not required. (Appendix Section 29.1 of the SBO Policy)

12. Refund of Property and Business Privilege License Taxes

- Action:**
- A. Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$46,906.87, and**
 - B. Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$10,739.04.**

Staff Resource: Scott Greer, Finance**Attachment 10**

Resolution

List of property tax and business license refunds

13. Resolution of Intent to Abandon a 10-foot Alleyway between Hawkins Street and Camden Road

Action: **A. Adopt the Resolution of Intent to abandon a 10-foot alleyway between Hawkins Street and Camden Road, and**
B. Set a public hearing for March 23, 2009.

Staff Resource: Linda Poissant, Transportation

Attachment 11

Map
Resolution

14. In Rem Remedy

For In Rem Remedy #A-E, the public purpose and policy are outlined here.

Public Purpose:

- Eliminate a blighting influence.
- Reduce the proportion of substandard housing.
- Increase tax value of property by making land available for potential infill housing development.
- Support public safety initiatives.

Policy:

- Housing & Neighborhood Development
- Community Safety

The In Rem Remedy items were initiated from 3 categories:

1. Public Safety – Police and/or Fire Dept.
2. Complaint – petition by citizens, tenant complaint or public agency referral
3. Field Observation – concentrated code enforcement program

The In Rem Remedy item is listed below by category identifying the street address and neighborhood.

Complaint:

- A. 2503 Moreland Street (Neighborhood Statistical Area 2 – Pinecrest Neighborhood)

Field Observation:

- B. 2113-15 East 8th Street (Neighborhood Statistical Area 54 – Elizabeth Neighborhood)
- C. 5247 Grafton Drive (Neighborhood Statistical Area 142 – Shannon Park Neighborhood)
- D. 8039 Pinewood Drive (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)
- E. 4925 Victoria Avenue (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood)

Complaint:

A. 2503 Moreland Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2503 Moreland Street (Neighborhood Statistical Area 2 – Pinecrest Neighborhood).

Attachment 12

Field Observation:

B. 2113-15 East 8th Street

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 2113-15 East 8th Street (Neighborhood Statistical Area 54 – Elizabeth Neighborhood).

Attachment 13

C. 5247 Grafton Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 5247 Grafton Drive (Neighborhood Statistical Area 142 – Shannon Park Neighborhood).

Attachment 14

D. 8039 Pinewood Drive

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 8039 Pinewood Drive (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).

Attachment 15

E. 4925 Victoria Avenue

Action: Adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the structure at 4925 Victoria Avenue (Neighborhood Statistical Area 126 – Henderson Circle Neighborhood).

Attachment 16

CONSENT II

15. Code Enforcement Nuisance Abatement Services

Action: **A. Award service contracts to provide Code Enforcement Nuisance Abatement Services as required by Neighborhood Development on a per job basis in the combined estimated annual amount of \$350,000 for a term of two years to the following seven companies:**

- Carolina Lawn Service
- Clean Green Lawn Care
- Dunlap Residential & Commercial Services
- First Class Sealing, LLC
- JW Construction Group
- Millennium CCF and DJF, LLC
- Riverside Partners of North Carolina, Inc's, and

B. Authorize the City Manager to renew the contracts up to three additional, one year terms with renewal options contingent upon satisfactory performance and with price adjustments stipulated in the contract.

Staff Resources: Walter Abernethy, Code Enforcement
 Wendy Gigante, Neighborhood Development
 Kim Morrell, Business Support Services

Policy

Abatement of Health and Sanitation Violations according to Part II, Chapter 10, Section 10-64 (5) of Charlotte Code of Ordinances.

Explanation

- The contracts will provide Code Enforcement Nuisance Abatement Services that consists of the following:
 - Mowing tall weeds and grass on vacant or occupied lots
 - Removing household items, automobile parts, construction related debris left on a vacant or occupied lot
 - Boarding up vacant residential structures
 - Transporting all items to the appropriate Mecklenburg County landfill or recycling center
- This is the first time formal contracts for nuisance abatement services will be awarded.
- A formal contract is necessary due to the increase in code cases and clean up costs which will exceed the City Manager's approval authority.
- Previously, nuisance abatement contracts were awarded as informal contracts under \$100,000.
- These seven companies have been approved to perform nuisance abatement cleanup through a Request for Proposal process.
- The evaluation criteria include:
 - Qualifications, experience and approach
 - Cost effectiveness and value
 - Acceptance of agreement terms
- Multi-vendor award provides adequate coverage and resources to the five Neighborhood Development Service Areas.

- In FY2008 Code Enforcement brought 48,260 properties into compliance with Health & Sanitation Regulations specified in Chapter 10 of the City Code of Ordinances.
- A total of 2,610 of those properties were cleaned by City authorized contractors at a cost of \$312,586.
- Charlotte Code of Ordinances Part II Section 10-64 (5) allows the City to hire private contractors to abate violations of the City’s Health and Sanitation ordinance when violations continue beyond an official Notice of Violation and cure period.
- When a contractor is hired by the City to abate a continued violation, the property owner is assessed the cost plus an administrative fee, and the City may lien the property for non-payment of the assessment. Abating violations in this manner promotes public welfare by protecting the public from prolonged exposure to health and safety hazards.

Small Business Opportunity

- No SBO goal was set for this contract because subcontracting opportunities are not anticipated (Part C; Section 2.4 of the SBO Policy).
- First Class Sealing, LLC and Millennium are both registered SBE vendors.

Funding

Neighborhood Development Operating Budget

16. Job Access Reverse Commute and New Freedom Service Projects

Action:	<p>A. Authorize the City Manager to enter into contracts with various service providers administering projects that offer assistance with transportation to employment and employment-related activities, and services to enhance transportation for people with disabilities, in an amount up to \$702,791.22, and</p> <p>B. Adopt a budget ordinance in the amount of \$925,049.22.</p>
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Staff Resource: Vida Covington, Transit

Explanation

- The Job Access Reverse Commute (JARC) federal grant program is designed to improve access to transportation services to employment and employment-related activities for welfare recipients and low income individuals.
- The New Freedom federal grant program is designed to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support services.
 - Projects funded through the New Freedom program must be new and go beyond the requirements of the Americans with Disabilities Act (ADA).
- In 2005 federal legislation authorized JARC and New Freedom funding for urbanized areas with populations of 200,000 or more. CATS, as the designated recipient for the Charlotte area, is responsible for both administering the grants funding and oversight of projects.

- The use of JARC and New Freedom funding is limited by federal legislation and regulation to the predetermined types of projects.
- Project oversight will be provided on a monthly, quarterly, and annual basis.
 - Sub recipients must submit monthly reports for reimbursement. Reports will include work performed, number of individuals who received services and projected work for next month.
 - Quarterly oversight will include site visits, coordination efforts, review of project challenges, successes, and projected work for the next quarter.
- A Call for Projects was issued on July 23, 2008 for JARC and New Freedom projects. Non-profit organizations submitted six projects.
- A two-part evaluation process ensued.
 - The initial recommendation came from a nine member Project Evaluation Team.
 - That team included representatives from non-profit organizations, City of Charlotte, Mecklenburg County, the Centralina Council of Governments, and the private sector.
 - The Project Evaluation Team recommended five projects for funding.
 - The Mecklenburg Union Metropolitan Planning Organization’s Technical Coordinating Committee then made the final recommendation of projects for funding.
 - Evaluation criteria included:
 - Meeting unmet transportation needs
 - Increasing coordination with other transportation providers
 - Economic benefits of the project
 - Innovation, organizational capacity, and funding
- The project selected for JARC funds is:
 - Purchasing bus passes for Housing Authority residents to attend job interviews, job training, and a retention incentive. A project that was submitted by the Charlotte Housing Authority will be awarded \$201,718.
- The projects selected for New Freedom funds are:
 - Providing travel training for people with disabilities, seniors, veterans, low income and homeless; and sensitivity training for passenger vehicle for hire operators. A project submitted by Mainstreaming Consultants, Inc. doing business as Disability Rights and Resources (formerly Programs for Accessible Living) will be awarded \$141,560.60.
 - Expand current sensitivity training for transit employees and offer door to door service for the blind and visually impaired. A project submitted by Metrolina Association for the Blind will be awarded \$196,850.
- These projects will support the creation of three new positions with these non-profit organizations.
- An additional project (or projects) will be selected for funding later this fiscal year (FY2009) after further review, expending the remainder of the funding. The City Council will be notified of the scope of the additional project(s) before funding is awarded.

Funding

Action B appropriates funds in the amount of \$925,049.22, of which \$586,167 are federal funds associated with the JARC and New Freedom Grants,

\$192,098.98 is the local match which will be recovered from the non-profit agencies, and \$146,783.24 is from local CATS funds.

Attachment 17
Budget Ordinance

17. Charlotte Trolley Inc. Memorandum of Understanding/Car 85 Lease Agreement

Action: Authorize the City Manager to execute a new Memorandum of Understanding (MOU) with Charlotte Trolley Inc. regarding their operating agreement for trolley activities including the lease and operation of Trolley Car 85.

Staff Resource: Jim Zingale, Transit

Explanation

- The City and Charlotte Trolley Inc. (CTI) have historically operated together under three different agreements:
 - A MOU was executed on July 31, 2003, that outlined the parties' responsibilities regarding the operation, maintenance and restoration of vintage and replica trolleys in the South Corridor.
 - A sublease agreement was executed on June 11, 2004, for use of the Atherton Mill Trolley Barn as an operation, maintenance and restoration facility for the trolleys.
 - A lease agreement was executed on June 11, 2004, for the restoration and operation of Trolley Car 85 (Car 85 Lease). Trolley Car 85 is one of the original and the last of the electric streetcars that operated in Charlotte from 1927 to 1938.
- Since entering the MOU and Car 85 Lease, the following have occurred:
 - The City has completed the South Corridor Light Rail Project.
 - The Atherton Mill Trolley Barn lease has expired and both the City and CTI have vacated the premises.
 - The City operates Car 85 and three replica trolleys from its South Tryon Vehicle Maintenance Facility.
 - CTI has completed its new museum facility at Bland Street.

Car 85

- The City and CTI have negotiated a new MOU and Car 85 Lease that reflects the current trolley service operations on the South Corridor.
- Due to Car 85's historical nature and special safety precautions that must be taken, the City cannot operate Car 85 with its other light rail vehicles.
- The new MOU authorizes the City to bill CTI for and appropriate funds for the operation of Trolley Car 85, which is approximately \$300 per roundtrip.
- The City will only operate Car 85 in non-revenue service and will use its best efforts to operate Car 85 at least twice each year.
- The new MOU retains the City's absolute control over its South Corridor rail operations.
- The City will provide a percentage of its revenue from advertising on the trolleys to CTI and will pay CTI a small fee for Operation Life Saver Rail Safety Training provided to area school children.

Replica Trolleys

- The City generally operates the three replica trolleys as part of its weekend daytime service and upon request during non-peak weekday times when there are at least 15 passengers.

Small Business Opportunity

Agreements entered into without a competitive bidding/proposal process are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Charlotte Trolley Inc.

18. Agreement with Charlotte Regional Visitors Authority for the Central Intercollegiate Athletic Association Basketball Tournament

Action: Authorize the City Manager to execute a three year agreement with the Charlotte Regional Visitors Authority to provide a City contribution of \$200,000 per year in support of the Central Intercollegiate Athletic Association (CIAA) Basketball Tournament.

Resources: Ron Kimble, City Manager's Office
Ereka Crawford, Charlotte Regional Visitors Authority

Explanation

- On December 10, 2007 Charlotte City Council authorized the City to provide \$200,000 per year from FY2009 through FY2011 to the Charlotte Regional Visitors Authority (CRVA) to support the Central Intercollegiate Athletic Association (CIAA) Basketball Tournament.
- This action authorizes the City Manager to implement the three year agreement with CRVA for financial support for various expenses associated with holding the Tournament in Charlotte.
- The FY2009 Annual Budget includes \$200,000 to support the CRVA hosting the CIAA 2009 Basketball Tournament.
- The City's annual budgets for FY2010 and FY2011 would need to include \$200,000 each year to complete the intended funding agreement.
- Should the CIAA Tournament not be held in Charlotte in any of the three years for which the agreement is effective, CRVA shall be required to return the City's annual contribution.

Small Business Opportunity

Contracts that are subject to CRVA's Vender Diversity Program for Minority or Women Business Enterprises (MWBE) are exempt from the Small Business Opportunity Program (Appendix 1, Section 23.7 of the SBO Policy).

Funding

General Fund

19. Irwin Creek Wastewater Treatment Plant Upgrades and Improvements

Action: Approve a professional services contract with Hazen and Sawyer in the amount of \$2,807,730. This contract provides design services for the upgrades to facilities at the Irwin Creek Wastewater Treatment Plant.

Staff Resource: Doug Bean, Utilities

Explanation

- Council deferred consideration of this item from the January 26, 2009 meeting to the February 23, 2009 meeting.
- The Wastewater Master Plan Study that was completed by Utilities indicates upgrades are needed at the Irwin Creek Wastewater Treatment Plant to increase reliability and fully utilize the plant's rated capacity. Utilities presented the Master Plan to Council at their February 2007 Workshop.
- On July 23, 2007 Council approved the planning contract with Hazen and Sawyer in the amount of \$561,900. The planning phase of the project is now complete and the design phase is ready to begin.
- A preliminary engineering report was performed by Hazen and Sawyer this past year, which outlines in detail all the work required to ensure the plant can reliably treat at its rated capacity of 15 million gallons per day into the future.
 - The Master Plan projected this project would be needed by late 2010 based on historical growth trends and peak wet weather flows in the service area. However, given current growth, the completion has been moved to late 2012. Flows at the plant have been reduced over the past couple of years also due to the extreme drought.
 - The design would be complete in mid 2010 and construction is estimated to be two years. At the completion of design in 2010, growth rates will be re-evaluated prior to moving into the construction phase.
 - This project will provide additional wastewater treatment capacity to the western portion of Uptown and the area of western Mecklenburg County from the airport up to Northlake Mall.
- The contract provides for design services for the rehabilitation of the Irwin Creek Wastewater Treatment Plant, and includes the following:
 - Detailed design of equipment and treatment processes that need to be replaced
 - Addition of a phosphorus removal process to ensure compliance with the nutrient removal permit limit established in the agreement with South Carolina
- Hazen and Sawyer was selected according to the Council approved qualifications based selection process performed in accordance with NC General Statutes.
- Design and construction of this project will take almost four years to complete. This project has already been delayed by 12 months and further delays could jeopardize the ability to meet demands from growth or wet weather conditions. Exceeding plant capacity is a violation of the North Carolina operating permit and the EPA Administrative Order and would

likely result in fines or a wastewater (building) moratorium levied by the State of North Carolina or US EPA.

Small Business Opportunity

- The NC General Statutes require that engineers be selected based on their demonstrated competence and qualifications for the type of professional services required without regard to fee. After the selection process and during the negotiation phase, the fees, scope of service and SBE opportunities are agreed upon. Utilities staff reviewed the opportunities for subcontracting with Hazen and Sawyer and provided assistance with identifying SBE firms for those opportunities.
- Hazen and Sawyer selected three SBE firms, based on their qualifications and price. On this contract they committed 2.78% (\$78,000) to the following SBE firms: Hinde Engineering, for surveying services; Priest Architecture, for architectural design services; Richa Graphics, for copying and printing services.
- In addition to these sub-consultants, Hazen and Sawyer is using two non-SBE firms: S&ME, (\$45,000), for geotechnical services; Southeastern Consulting Engineers, (\$650,000) for standby generator and high-voltage electrical design services.
- Geotechnical services are a critical component of Hazen and Sawyer's structural design and eventually the useful service life of the facility. Their approach is to use a firm with the experience and expertise to perform this type of work. S&ME is the geotechnical firm Hazen and Sawyer used during preliminary design, so they wished to continue using their services during this next phase of the project. Once construction begins, there will be opportunities for SBE firms to perform material testing services. For example, in the past Hazen and Sawyer has used Capstone (certified SBE firm) for concrete strength testing. This will be their approach once again during the construction phase of this project.
- Design of high-voltage electrical generators and switchgear is a highly specialized area of expertise. Currently there are no SBE firms identified that possess the experience and expertise for this type of work.
- The SBO Office has reviewed this contract for subcontracting opportunities and concurs with Utilities' recommendation.

Funding

Utilities Capital Investment Plan

20. Sugar Creek Wastewater Treatment Plant Expansion Project

Action: Approve a professional services contract with HDR Engineering, Inc., in the amount of \$6,224,984. This contract provides design phase services for the Sugar Creek Wastewater Treatment Plant expansion.

Staff Resource: Doug Bean, Utilities

Explanation

- Council deferred consideration of this item from the January 26, 2009 meeting to the February 23, 2009 meeting.

- The Wastewater Master Plan Study that was completed by Utilities indicates additional treatment capacity is needed at the Sugar Creek Wastewater Treatment Plant to meet projected growth and peak wet weather flows. Utilities presented the Master Plan to Council at their February 2007 Workshop.
- On July 23, 2007 Council approved the planning phase contract for the expansion of the plant, with HDR Engineering, Inc., in the amount of \$824,953. The planning phase of the project is now complete and the design phase is ready to begin.
- A stakeholder group composed of area citizens, business leaders, and regulatory representatives participated in the planning phase and have endorsed the current layout of the expansion.
- The Master Plan projected this project would be needed by mid 2012 based on historical growth trends and peak wet weather flows. However, given current growth, the completion has been moved to late 2013. Flows at the plant have been reduced over the past couple years also due to the extreme drought.
- The design would be completed in late 2010 and construction is estimated to be 2.5 to three years (2013). At the completion of design in 2010, plant flow trends will be re-evaluated prior to moving into the construction phase.
- The primary service area is the central portion of the City of Charlotte from the Tyvola/Fairview Road area northeastward to the Plaza/Sugar Creek Road area where anticipated growth is from infill development and redevelopment of older areas. This encompasses approximately half of the uptown area.
- The contract provides for design services for the expansion of the Sugar Creek WWTP, and includes the following services:
 - Detailed design of the proposed expansion to the treatment plant
 - Continued public involvement activities with the stakeholder's group
 - Preparation of plans and specifications suitable for public bidding
 - Bid phase services
- HDR was selected according to the Council approved qualifications based selection process performed in accordance with NC General Statutes.
- Design and construction of this project will take an estimated five years to complete. This project has already been delayed by 12 months and further delays could jeopardize the ability to meet demands from growth or wet weather conditions. Exceeding plant capacity is a violation of the North Carolina operating permit and the EPA Administrative Order and would likely result in fines or a wastewater (building) moratorium levied by the State of North Carolina or US EPA.

Small Business Opportunity

- The NC General Statutes require that engineers be selected based on their demonstrated competence and qualifications for the type of professional services required without regard to fee. After the selection process and during the negotiation phase, the fees, scope of service and SBE opportunities are agreed upon. Utilities staff reviewed the opportunities for subcontracting with HDR and provided assistance with identifying SBE firms for those opportunities.
- HDR has selected four SBE firms, based on their qualifications and price. On this contract they have committed 1.13% (\$70,156) to the following SBE firms: CITI, for systems integration; Habitat Assessment & Restoration Program, Inc., for stream bank design; Priest Architecture, for

architectural design services; Richa Graphics, for copying and printing services

- There are no non-SBE sub-consulting firms being used on this project.
- The SBO Office has reviewed this contract for subcontracting opportunities and concurs with Utilities' recommendation.

Funding

Utilities Capital Investment Plan

21. Reedy Creek Annexation Sewer Professional Services Agreement

Action: Approve a contract with Woolpert, Inc. for \$2,877,944 to provide contract management, construction administration, and other additional services as indicated below to construct the Reedy Creek wastewater facilities in Mecklenburg and Cabarrus counties for the Council approved 2009 Annexation.

Staff Resource: Doug Bean, Utilities

Explanation

- The adoption of the 2009 Annexation requires that sewer service be provided to the Reedy Creek basin for the Hood Road North and Hood Road South annexation areas.
- In 1996 Council approved an agreement with the Water and Sewer Authority of Cabarrus County, which allows for the construction of wastewater facilities necessary to serve the Reedy Creek Basin in Mecklenburg and Cabarrus counties.
- On April 23, 2007 Council approved a professional services agreement with Woolpert, Inc. to provide final design services for the Reedy and McKee Creek Sewer Outfall projects.
- This contract provides for the following services required to construct the wastewater facilities:
 - Contract management and coordination
 - Bidding administration services
 - Surveying
 - Inspection
 - NCDOT tunneling observation
- Construction must be completed by June 2011 to meet the annexation deadline.
- The project consists of a new sanitary sewer system to be constructed along Reedy Creek in Cabarrus and Mecklenburg counties. A total of approximately 15 miles of gravity sewer will be constructed through five separate projects:
 - Reedy Creek pump station
 - Reedy Creek force main and gravity sewer
 - Middle Reedy Creek interceptor
 - Upper Reedy Creek interceptor
 - Reedy Creek outfall
- Woolpert was selected using the Council approved qualifications based selection process.

Small Business Opportunity

- For service-based contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy). On this contract, Woolpert committed 9.75% (\$280,685) of the total contract amount to the following SBE firm: The Survey Company.
- Woolpert is spending \$370,000 with two non-SBE subcontractors: JJ&G, for tunnel inspections and S&ME, for permit compliance.
- JJ&G was the design consultant for the tunnels on this project. Since tunnels are highly technical in design and construction, Woolpert will keep JJ&G on the team to make sure the tunnel is constructed in accordance with their design specifications.
- During the past five years of design, S&ME has been Woolpert's consultant for the environmental work. They were responsible for the environmental permitting, Woolpert will continue using their services for permit compliance monitoring, which is required by the environmental permits obtained for this project.
- The SBO Office has reviewed this contract for subcontracting opportunities and concurs with Utilities' recommendation.

Funding

Utilities Capital Investment Plan

22. Sugar Creek Wastewater Treatment Plant Primary Clarifier Upgrades

Action: Approve the award of \$545,123 to Camp Dresser and McKee for professional design services for repair and upgrades to the Sugar Creek Wastewater Treatment Plant primary clarifiers.

Staff Resource: Doug Bean, Utilities

Explanation

- The purpose of this project is to replace the mechanical sweeps in the clarifier tanks and the clarifier covers in the four primary clarifiers at the Sugar Creek Wastewater Treatment Plant, which is located in the South Park area.
- The clarifiers are a critical part of the wastewater treatment process to remove solids from the wastewater stream early in the treatment process. Failures in this process would likely result in a discharge violation for the treatment plant.
- The clarifier covers, which provide odor control to the surrounding community, are in frequent need of repair. During those repairs, portions of the tanks are uncovered, giving rise to odor complaints from the community.
- The mechanical sweeps in the clarifier are at the end of their service life and needed to be replaced due to a high level of corrosion.
- Award of the engineering contract will help insure the repairs are made to the clarifiers in a timely manner, and avoid a risk of a violation or potential increase in odor complaints from the community.
- The Engineering firm of Camp Dresser and McKee was selected using the Council approved selection process to provide design and construction quality control services for this project.

Small Business Opportunity

- 135 engineering firms, found in the City's vendor database, were informed of the opportunity to submit a qualifications statement. Ten of these firms were SBEs. Four engineering firms submitted qualification statements, none of which were SBE firms.
- For service based contracts, the City negotiates SBE goals after the proposal selection process. (Part C: Section 2.2 of the SBO Policy.)
- On this contract, CDM committed 1.65% (\$9,000) of the total contract amount to the following firms: Meade Gunnell, Richa Graphics, and Red Dog Drilling. All other design functions will be performed by CMD internal staff.
- The SBO Office has reviewed this contract for subcontracting opportunities and concurs with Utilities' recommendation.

Funding

Utilities Capital Investment Plan

23. Telephone and Technology Network Contract Credit

Action: Adopt a budget ordinance appropriating \$226,706 received from the City's Business Master Services Agreement (Continuity Award) with AT&T to fund labor and materials required for operations and maintenance of telephone and technology network infrastructure.

Staff Resource: Chuck Robinson, Business Support Services

Explanation

- In 2006 the City of Charlotte and Mecklenburg County negotiated a new Business Master Services Agreement with BellSouth (now AT&T) for telephone and other business services. As a component of this agreement the City and County negotiated a business continuity award based on service baseline projections.
- Based on the terms of the contract, the City's award for contract year one (2007) is a credit of \$226,706.
- This credit can be used to secure additional equipment and services from AT&T to support the City communications and network infrastructure operations and maintenance, such as replacement network switches critical to providing service delivery. Several of the switches are now at the end of their useful life.
- The network switches contain a virtual map of the City's network and make nanosecond decisions on the routing and distribution of data throughout the City's data network. Depending on the location, the failure of one of these switches could cause a major disruption in the City's Enterprise Data Network and disrupt service delivery.
- The credit will fund critical network switches, materials and labor to operate and maintain telephone and technology networks.

Attachment 18

Budget Ordinance

24. Citywide Procurement Card Program Services

- Action:**
- A. Approve a contract with Bank of America for the provision of a no-cost Procurement Card Program and related services to the City for an initial term of three years, and**
 - B. Authorize the City Manager to approve up to two, one year renewal options contingent upon the company's satisfactory performance.**

Staff Resource: Chuck Robinson, Business Support Services

Explanation

- The Procurement Card Program, typically used for small dollar purchases, is designed to provide a more rapid turnaround of requirements for goods and to reduce paperwork and handling costs (i.e. issuing purchase orders, processing vendor invoices, printing and mailing payments to vendors).
- Authorized employees can make purchases using an imprinted card and billing is consolidated into one bank statement. A debit for the total amount is made to the City's account on a predetermined date each month.
- There is no cost to the City for the Procurement Card Program.
- Procurement Services performs random monthly reviews and one annual review of key business unit purchases. The Procurement Card Program is subjected to reviews by the City's Internal Audit Division of the City Manager's Office.
- In 2003 a competitive solicitation resulted in award of the current contract with Bank of America.
- In response to a consolidated City of Charlotte and Mecklenburg County Request for Proposals, the City and County received three proposals from Bank of America, Sun Trust, and US Bank.
- An Evaluation Team, comprised of members from Business Support Services, Finance, Fire, Utilities, and Mecklenburg County Finance, reviewed the proposals according to defined program objectives and established evaluation criteria.
- After a thorough evaluation process, the Evaluation Team recommends Bank of America for award of the contract due to:
 - The company's experience and proven record of providing Procurement Card Programs and services to government entities
 - The aggressive rebate plan offered
 - The customer service plan provided by the company and the support of dedicated teams who assist with implementation and 24/7 support
 - The company's online system capabilities for program administration
 - Technological enhancements which will increase efficiencies, controls, and reporting
- Bank of America is the current Procurement Card Program service provider for both the City of Charlotte and Mecklenburg County and has provided services to both entities since award of the contract in 2003.
- The City and County will enter into separate agreements with Bank of America.

Small Business Opportunity

No SBE goal was set for this contract because subcontracting opportunities are not anticipated (Part B: Section 2.4 of the SBO Policy).

25. Limited Release for Fire Station #38 Boathouse Flotation Claims

Action: Authorize the City Attorney to execute a limited release agreement with Gantt Huberman Architects, PLLC and its Consultant, Bulla Smith Design Engineering, P.A., in exchange for repairs to the boathouse flotation system at Fire Station #38.

Staff Resources: Jude Starrett, City Attorney's Office
 Rich Granger, Fire
 Bruce Miller, Engineering and Property Management

Explanation

- Fire Station #38 Boathouse is located on Lake Wylie lakefront at 12100 Shopton Road West and was completed in September 2008. The boathouse stores equipment for lakefront fire suppression, surface rescue, and dive/rescue activities.
- Gantt Huberman Architects, PLLC, and its consultants, including Bulla Smith Design Engineering, PA, were selected to design the structures and provide construction administration services.
- The flotation system for the Boathouse was designed by Bulla Smith Design Engineering and constructed by Randolph and Son Construction.
- Following construction, the boathouse did not float properly and an independent evaluation concluded that additional floats would be required to stabilize and level the boathouse.
- Bulla Smith Design Engineering has proposed to hire Rowboat Dock and Dredge to install additional floats that will stabilize and level the boathouse within acceptable tolerances in exchange for the Assigned Claim defined in the Limited Release and the City's release of claims relating to the boathouse flotation design.
- The terms of the Limited Release specify that it will not become effective until the repair work has been performed, inspected and certified to conform to written Acceptance Criteria.
- Rowboat Dock and Dredge shall provide warranty against defective workmanship and materials for one year, and all warranties are exclusive and in lieu of all other warranties.
- Warranties provided shall ensure to the benefit of the City of Charlotte upon completion of repairs, and shall not be affected, disturbed, or released by the Limited Release being executed by the City of Charlotte and parties.

26. CATS Bus Park and Ride Lots Grounds Maintenance

Action: Approve a contract with Metrolina Landscape Company in the amount of \$245,390.42 for CATS Bus Park and Ride Lots Grounds Maintenance.

Staff Resource: Greg Bugica, Engineering & Property Management

Explanation

- Regular facilities grounds maintenance activities for this contract include: turf maintenance, landscape maintenance, snow and ice removal, irrigation operation; and storm water best management practices maintenance for dry detention and wet retention basins.
- Facilities are Huntersville Park and Ride, Matthews Park and Ride, Lawyers Road Park and Ride, Old Sardis Road Park and Ride, Mallard Creek Park and Ride, Northcross Park and Ride, Rosa Parks Community Transit Center and Eastland Community Transit Center.
- The contract period is three years with no renewals.
- Landscape Management selected Metrolina Landscape Company through a Request for Proposals process.
- This grounds maintenance project was publicly advertised on Engineering and Property Management's website at <http://epmcontracts.charmeck.org> so interested contractors could submit a proposal. In addition, a courtesy copy of the advertisement was sent to attendees at a Landscape Contractors Outreach Session held by the City in May 2008.
- Firms were selected based on the following criteria:
 - Experience with similar projects
 - Ability to meet the City's goals
 - Qualifications of key individuals
 - Proposed utilization of SBE firms
 - References
 - Office in the Charlotte metro area
 - Proposal fee
- Consideration was also given to:
 - Performance on past City contracts quality of work
 - Equipment and staff devoted to this contract
 - Existing contracts or other commitments
 - New contractors
 - Ability to take on additional work
 - Ability to perform other landscape work in addition to mowing grass, such as plant replacement, damage repair, irrigation maintenance/repair, flower bed design/planting/maintenance
 - Responsiveness to both emergency and non-emergency situations
 - Safety programs

Small Business Opportunity

- Of the ten proposals received for this contract none were from SBEs.
- This is one of ten contracts appearing on this agenda related to Landscaping Maintenance. For each of these, the SBO rationale is stated as: "The SBO Office exempted landscaping projects from SBE subcontracting goals for FY2009 (Part A, Section 4.2 and Appendix Section 23.10 of the SBO Policy). Instead, staff seeks to enhance SBE utilization by issuing smaller contracts so SBEs can participate as Primes."

- In past years, staff attempted to identify subcontracting opportunities within landscaping (spreading of mulch, installation of soil, and suppliers of trees and shrubs). However, either no SBEs were typically identified as wholesalers or plant nurseries that could supply the variety and/or quantity of plants for typical landscape installation contracts, or the contracts were not conducive for splitting up segments of the landscaping services. Therefore, individual SBE goals were not established for each contract.
- Instead of setting subcontracting goals on these projects, staff believes that breaking these larger contracts into smaller landscaping contracts enhances the City's overall SBE utilization by creating opportunity for SBEs to participate as primes.
- In the examples appearing on this agenda, a total of \$1.705 million is being awarded spread over ten separate contracts. An SBE proposer was selected for two of these contracts, the sum of which is \$357,660. By pursuing landscaping contracts in this manner, it has resulted in a 20.96% SBE participation rate (based on the sum total of these 10 contracts) vs. if subcontracting goals were established, where no more than 5% of the overall contract value would have been set as the SBE goal. Last year on February 11, 2008, Council approved 16 contracts (\$2.35 million) procured by staff using this approach, which yielded a 12.06% SBE participation rate.
- In an effort to increase SBE participation on City landscape contracts, staff hosted Landscape Contractor Outreach Sessions in FY2007 and FY2008. The goal of these annual sessions was to increase the number of landscape contractors available to respond to landscape related solicitations issued by the City. A session is also planned for FY2009 to extend these efforts as well as stress the importance of SBE Certification.

Funding

Engineering and Property Management Operating Budget, which is reimbursed by CATS through a Memorandum of Understanding.

27. Median Maintenance Landscape Services

Action: Approve contracts for median maintenance landscape services with

A. A-1 Services/John Todd Landscaping for South District C in the amount of \$223,380, and

B. A-1 Services/John Todd Landscaping for South District D in the amount of \$134,280.

Staff Resource: Chris Davis, Engineering and Property Management
Quin Hall, Engineering and Property Management

Explanation

- These contracts provide for routine maintenance activities including mowing, shrub and bed maintenance and trash removal for medians in two district areas within the City: South District C and South District D.
- The contract period for each of these contracts is three years with no renewals.

- Both of these grounds maintenance projects were publicly advertised on Engineering & Property Management's website at <http://epmcontracts.charmeck.org> so interested contractors could submit a proposal. In addition, a courtesy copy of the advertisement was sent to attendees at a Landscape Contractors Outreach Session held by the City in May 2008.
- Firms were selected based on the following criteria:
 - Experience with similar projects
 - Ability to meet the City's goals
 - Qualifications of key individuals
 - Proposed utilization of SBE firms
 - References
 - Office in the Charlotte metro area
 - Proposal fee
- Consideration was also given to:
 - Performance on past City contracts quality of work
 - Equipment and staff devoted to this contract
 - Existing contracts or other commitments
 - New contractors
 - Ability to take on additional work
 - Ability to perform other landscape work in addition to mowing grass, such as plant replacement, damage repair, irrigation maintenance/repair, flower bed design/planting/maintenance
 - Responsiveness to both emergency and non-emergency situations
 - Safety programs

A. A-1 Services/John Todd Landscaping for South District C

- South District C is an area bounded by York Road / Tryon Street, Tyvola Road, Fairview Road, Carmel Road and the City limits.
- The total contract amount for the three years of median landscape services will be \$223,380.

B. A-1 Services/John Todd Landscaping for South District D

- South District D is an area bounded by Carmel Road, Sardis Road, Rama Road, Independence Boulevard, Pineville-Matthews Road and the City limits.
- The total contract amount for the three years of median landscape services will be \$134,280.

Small Business Opportunity

- A-1 Services/John Todd Landscaping, the selected proposer for these two contracts, is a Small Business Enterprise.
- This is one of ten contracts appearing on this agenda related to landscaping maintenance. For each of these the SBO rationale is stated as "The SBO Office exempted landscaping projects from SBE subcontracting goals for FY2009 (Part A, Section 4.2 and Appendix Section 23.10 of the SBO Policy). Instead, staff seeks to enhance SBE utilization by issuing smaller contracts so SBEs can participate as primes."
- In past years, staff attempted to identify subcontracting opportunities within landscaping (spreading of mulch, installation of soil, and suppliers of trees and shrubs. However, either no SBEs were typically identified as wholesalers or plant nurseries that could supply the variety and/or quantity of plants for typical landscaping installation contracts, or the contracts were not conducive for splitting up segments of the landscaping

services. Therefore, individual SBE goals were not established for each contract.

- Instead of setting subcontracting goals on these projects, staff believes that breaking these larger contracts into smaller landscaping contracts enhances the City's overall SBE utilization by creating opportunity for SBEs to participate as primes.
- In the examples appearing on this agenda, a total of \$1.705 million is being awarded, spread over ten separate contracts. An SBE proposer was selected for two of these contracts, the sum of which is \$357,660. By pursuing landscaping contracts in this manner, it has resulted in a 20.96% SBE participation rate (based on the sum total of these ten contracts) vs. if subcontracting totals were established, where no more than 5% of the overall contract value would have been set as the SBE goal. Last year on February 11, 2008, Council approved 16 contracts (\$2.35 million) procured by staff using this approach, which yielded a 12.06% SBE participation rate.
- In an effort to increase SBE participation on City landscape contracts, staff hosted Landscape Contractor Outreach Sessions in FY2007 and FY2008. The goal of these annual sessions was to increase the number of landscape contractors available to respond to landscape related solicitations issued by the City. A session is also planned for FY2009 to extend these efforts as well as stress the importance of SBE certification.

Funding

Engineering and Property Management Operating Budget

28. Grounds Maintenance Landscape Services

- Action:** Approve contracts for grounds maintenance landscape services with
- A. TruGreen Landcare, LLC for Center City East District in the amount of \$154,264.76,**
 - B. Ruppert Nurseries II, Inc. for Center City West District in the amount of \$132,695.16,**
 - C. Ruppert Nurseries II, Inc. for Cultural Facilities in the amount of \$108,576,**
 - D. Caddell Turf Management for Government District in the amount of \$216,840,**
 - E. Southern Shade Tree Company, Inc. for West District in the amount of \$290,422.86, and**
 - F. Roundtree Enterprises of Charlotte, Inc. for Oaklawn Cemetery in the amount of \$108,000.**

Staff Resources: Quin Hall, Engineering and Property Management
Mike Shroyer, Engineering and Property Management

Explanation

- These contracts provide for routine maintenance activities which include: mowing, shrub and bed maintenance, limited tree maintenance, trash and storm debris pickup, and removal.
- Landscape Management selected landscape contractors through a Request for Proposal process. These grounds maintenance projects were publicly advertised on Engineering & Property Management's website at <http://epmcontracts.charmeck.org> so interested contractors could submit a proposal. In addition, a courtesy copy of the advertisement was sent to attendees at a Landscape Contractors Outreach Session held by the City in May 2008.
- Firms were selected based on the following criteria:
 - Experience with similar projects
 - Ability to meet the City's goals
 - Qualifications of key individuals
 - Proposed utilization of SBE firms
 - References
 - Office in the Charlotte metro area
 - Proposal fee
- Consideration was also given to:
 - Performance on past City contracts quality of work
 - Equipment and staff devoted to this contract
 - Existing contracts or other commitments
 - New contractors
 - Ability to take on additional work

- Ability to perform other landscape work in addition to mowing grass, such as plant replacement, damage repair, irrigation maintenance/repair, flower bed design/planting/maintenance
- Responsiveness to both emergency and non-emergency situations
- Safety programs
- Five landscape contractors were selected for the seven contracts.

A. TruGreen Landcare, LLC for Center City East District

- This district includes medians on 7th Street, 9th Street, North Davidson Street, East Trade Street, McDowell Street, Stonewall Street and Caldwell Street in addition to 9th Street roundabout and Crescent Park.
- The total contract amount for the three years of grounds maintenance landscape services will be \$154,264.76.
- Of the five proposals received for this contract none were from SBEs.

B. Ruppert Nurseries II, Inc. for Center City West District

- This district includes the 5th and 6th Street traffic islands, Johnson and Wales Way traffic islands, West Trade Street, West 4th Street, Settler's Cemetery and Cedar Street Yard.
- Work includes routine grounds maintenance activities in addition to irrigation maintenance, repair and operation.
- The total contract amount for the three years of grounds maintenance landscape services will be \$132,695.16.
- Of the eleven proposals received for this contract none were from SBEs.

C. Ruppert Nurseries II, Inc. for the Cultural Facilities

- This consists of the current Afro American Cultural Center (AACC), Discovery Place, Discovery Place Parking Deck and the Mint Museum of Art (Randolph).
- Work includes routine grounds maintenance activities in addition to irrigation maintenance, repair and operation, and snow and ice removal.
- The total contract amount for the three years of grounds maintenance landscape services will be for \$108,576.
- In accordance with the Cultural Facilities funding model, the cost of landscaping will become the responsibility of the Cultural Facilities, phased in over a three year period. The phasing of these costs will begin for the Mint Museum and Discovery Place in July 2010. The new Harvey B. Gantt Art and Cultural Center will replace the existing AACC and be responsible for landscaping upon completion. However, the City owned portions of the land adjacent to the current AACC will continue to be maintained by the City.
- Of the five proposals received for this contract none were from SBEs.

D. Caddell Turf Management for the Government District

- This district consists of the Charlotte-Mecklenburg Government Center (CMGC), CMGC Parking Deck, City Hall, City Hall Park, and the Charlotte-Mecklenburg Police Department Headquarters properties.
- Work includes routine grounds maintenance activities in addition to irrigation maintenance, repair, and operation, and snow and ice removal.
- The total contract amount for the three years of grounds maintenance landscape services will be for \$216,840.
- Of the seven proposals received for this contract none were from SBEs.

E. Southern Shade Tree Company, Inc. for West District

- This district consists of the Animal Control Center, Charlotte Vehicle Operations Center, Police and Fire Training Academy, and West Service Center properties.
- Work includes routine grounds maintenance activities in addition to irrigation maintenance, repair, and operation, and snow and ice removal.
- The total contract amount for the three years of grounds maintenance landscape services will be for \$290,422.86.
- Of the eleven proposals received for this contract none were from SBEs.

F. Roundtree Enterprises of Charlotte, Inc for Oaklawn Cemetery

- Routine grounds maintenance activities include mowing, shrub and bed maintenance and trash removal.
- The total contract amount for the three years of grounds maintenance services is \$108,000.
- Of the seven proposals received for this contract three were from SBEs.

Small Business Opportunity

- This is one of ten contracts appearing on this agenda related to Landscaping Maintenance. For each of these, the SBO rationale is stated as: "The SBO Office exempted landscaping projects from SBE subcontracting goals for FY09 (Part A, Section 4.2 and Appendix Section 23.10 of the SBO Policy). Instead, staff seeks to enhance SBE utilization by issuing smaller contracts so SBEs can participate as primes."
- In past years, staff attempted to identify subcontracting opportunities within landscaping (spreading of mulch, installation of soil, and suppliers of trees and shrubs). However, either no SBEs were typically identified as wholesalers or plant nurseries that could supply the variety and/or quantity of plants for typical landscape installation contracts, or the contracts were not conducive for splitting up segments of the landscaping services. Therefore individual SBE goals were not established for each contract.
- Instead of setting subcontracting goals on these projects, staff believes that breaking these larger contracts into smaller landscaping contracts enhances the City's overall SBE utilization by creating opportunity for SBEs to participate as primes.
- In the examples appearing on this agenda, a total of \$1.705 million is being awarded spread over ten separate contracts. An SBE proposer was selected for two of these contracts, the sum of which is \$357,660. By pursuing landscaping contracts in this manner, it has resulted in a 20.96% SBE participation rate (based on the sum total of these 10 contracts) vs. if subcontracting goals were established, where no more than 5% of the overall contract value would have been set as the SBE goal. Last year on February 11, 2008, Council approved 16 contracts (\$2.35 million) procured by staff using this approach, which yielded a 12.06% SBE participation rate.
- In an effort to increase SBE participation on City landscape contracts, staff hosted Landscape Contractor Outreach Sessions in FY2007 and FY2008. The goal of these annual sessions was to increase the number of landscape contractors available to respond to landscape related solicitations issued by the City. A session is also planned for FY2009 to extend these efforts as well as stress the importance of SBE Certification.

Funding

Engineering and Property Management Operating Budget

29. Grounds Maintenance Landscape Services Renewal

Action: Approve renewal #2 to East District Grounds Maintenance landscape services contract with Accolade Designs in the amount of \$91,777.54.

Staff Resource: Quin Hall, Engineering and Property Management

Explanation

- Regular facilities grounds maintenance activities for this contract includes grass mowing, shrub and bed maintenance and trash removal.
- The East District Grounds Maintenance contract includes but is not limited to the following facilities: Belmont Center, Street Maintenance (Orr Road), Equipment Services – Louise Avenue Shop, Equipment Services – Seigle Avenue Shop, Fire Prevention Bureau, Solid Waste – Sanitation Division, Solid Waste –Special Services Division.
- This is the final one year renewal allowing for an adjusted unit price and adding one new location.
- Landscape Management selected Accolade Designs through a Request for Proposal process.
- Firms were selected based on the following criteria:
 - Experience with similar projects
 - Ability to meet the City’s goals
 - Qualifications of key individuals
 - Proposed utilization of SBE firms
 - References
 - Office in the Charlotte metro area
 - Proposal fee.
- Consideration was also given to:
 - Performance on past City contracts quality of work
 - Equipment and staff devoted to this contract
 - Existing contracts or other commitments
 - New contractors
 - Ability to take on additional work
 - Ability to perform other landscape work in addition to mowing grass, such as plant replacement, damage repair, irrigation maintenance/repair, flower bed design/planting/maintenance
 - Responsiveness to both emergency and non-emergency situations
 - Safety programs

Contract History

- The City Manager approved the original contract for \$74,360 on December 1, 2006.
- City Council approved the first renewal for \$76,962.60 on November 26, 2007.
- The total contract amount including renewal #1 and renewal #2 will be \$243,100.14.

Small Business Opportunity

- This is one of ten contracts appearing on this agenda related to Landscaping Maintenance. For each of these, the SBO rationale is stated as: "The SBO Office exempted landscaping projects from SBE subcontracting goals for FY2009 (Part A, Section 4.2 and Appendix Section 23.10 of the SBO Policy). Instead, staff seeks to enhance SBE utilization by issuing smaller contracts so SBEs can participate as Primes."
- In past years, staff attempted to identify subcontracting opportunities within landscaping (spreading of mulch, installation of soil, and suppliers of trees and shrubs). However, either no SBEs were typically identified as wholesalers or plant nurseries that could supply the variety and/or quantity of plants for typical landscape installation contracts, or the contracts were not conducive for splitting up segments of the landscaping services. Therefore, individual SBE goals were not established for each contract.
- Instead of setting subcontracting goals on these projects, staff believes that breaking these larger contracts into smaller landscaping contracts enhances the City's overall SBE utilization by creating opportunity for SBEs to participate as primes.
- In the examples appearing on this agenda, a total of \$1.705 million is being awarded spread over ten separate contracts. An SBE proposer was selected for two of these contracts, the sum of which is \$357,660. By pursuing landscaping contracts in this manner, it has resulted in a 20.96% SBE participation rate (based on the sum total of these ten contracts) vs. if subcontracting goals were established, where no more than 5% of the overall contract value would have been set as the SBE goal. Last year on February 11, 2008, Council approved 16 contracts (\$2.35 million) procured by staff using this approach, which yielded a 12.06% SBE participation rate.
- In an effort to increase SBE participation on City landscape contracts, staff hosted Landscape Contractor Outreach Sessions in FY2007 and FY2008. The goal of these annual sessions was to increase the number of Landscape Contractors available to respond to landscape related solicitations issued by the City. A session is also planned for FY2009 to extend these efforts as well as stress the importance of SBE Certification.

Funding

Engineering and Property Management Operating Budget

30. Engineering Services for Storm Drainage Improvement Projects

Action: Approve a contract with W.K. Dickson & Co., Inc., in the amount of \$500,000 for engineering services for storm drainage improvement projects.

Staff Resource: Jennifer Smith, Engineering & Property Management

Explanation

- The contract provides funding for possible planning, design and construction administration services to address high priority storm water projects throughout Charlotte.

- The projects will reduce street and house flooding. Stream restoration improvements may be included to reduce erosion.
- The first project to be initiated under this contract will be Wiseman Capital Improvement Project. The Wiseman project boundaries are W.T. Harris Boulevard to the north, Idlewild Road to the west, Barncliff Road to the east, and Braewick Place to the south.
- The planning for the Wiseman project is estimated at approximately \$250,000.
- Additional future services under this contract will be determined based on current project ranking procedures or emergency needs and consultant performance. Additional work orders will be issued as the needs arise.
- A future contract amendment may be needed to finish design and construction services for the Wiseman Capital Improvement Project, as well as any other projects that are started under this contract.
- The chosen firm was selected pursuant to a Council approved qualifications-based selection process performed in accordance with NC State General Statutes.

Small Business Opportunity

WK Dickson & Co. Inc. listed in their proposal the following SBEs as supporting team members: Carolina Wetland Services, On-Target Utility Locate Services, Richa Graphics, and Avioimage Mapping Services. WK Dickson will use these SBEs for each work order as this project evolves (Part C: Section 2.2 of the SBO Policy).

Funding

Storm Water Capital Investment Plan

31. South Boulevard Left Turn Lane

Action:

A. Reject the low bid from Gelder-Thompson Contracting, Grading, Paving & Utilities, LLC for failure to comply with the Disadvantaged Business Enterprise Program, and

B. Award a contract in the amount of \$1,218,080.33 to Scurry Construction, Inc. for South Boulevard left turn lane.

Staff Resource: Jonathan Sossamon, Engineering & Property Management

Explanation

- This project will widen South Boulevard to five lanes between Sharon Lakes, Sweden Road and Tiffani Lane.
- Construction includes asphalt pavement widening, concrete curb and gutter, concrete sidewalks, storm drainage improvements, planting strips, pedestrian refuge/crossing islands, and transit stop improvements.
- The Charlotte Department of Transportation (CDOT) identified an unsafe intersection condition at Hill Road and South Boulevard. CDOT initiated a roadway safety project on the state maintained road with NCDOT.
- Under a June 23, 2004 municipal agreement, NCDOT agreed to participate in the project by providing the City \$862,000 for the planning, design and construction cost. The balance of the cost is included in the

Transportation Capital Investment Plan. CDOT recommends that the City pay the difference based on safety considerations.

A. Reject the low bid from Gelder-Thompson Contracting, Grading, Paving & Utilities, LLC

- Reject the low bid of \$1,144,199.38 from Gelder-Thompson Contracting, Grading, Paving & Utilities, LLC.
- Gelder-Thompson failed to meet the established Disadvantaged Business Enterprise goal of 11.00% and also failed to meet the Good Faith Effort Requirements of the DBE Program.

B. Award the construction contract to Scurry Construction, Inc.

- Award the construction contract to Scurry Construction, Inc. as the lowest responsive and responsible bidder.

Summary of Bids

Gelder-Thompson Contracting	Midland, NC	\$1,144,199.38
Scurry Construction, Inc.	Cornelius, NC	\$1,218,080.33
United Construction, Inc.	Charlotte, NC	\$1,234,941.13
Sealand Contractors	Charlotte, NC	\$1,257,987.78
Mainline Contracting, Inc.	Durham, NC	\$1,260,972.90
Carolina Cajun Concrete, Inc.	Matthews, NC	\$1,287,011.00
CMI Contracting	Monroe, NC	\$1,330,701.25
Triangle Grading & Paving	Burlington, NC	\$1,351,564.17
REA Contracting, LLC	Charlotte, NC	\$1,718,791.47
Blythe Construction, Inc.	Charlotte, NC	\$1,741,421.00

Disadvantaged Business Enterprise

Established DBE Goal: 11%

Committed DBE Goal: 10.59%

Per the Municipal Agreement with NCDOT, the federal DBE program must be followed. Scurry Construction committed 10.59% (\$128,945) of the total contract amount to the following DBE firm: Theresa’s Concrete Service, Inc. In addition, subsequent to bid award, Scurry Construction committed .08% (\$9,697.50) to one more DBE: ACS Pavement Marking, Inc. Scurry Construction calculated their DBE percentage based on the subtotal (\$1,107,345.75) instead of the total bid amount (subtotal plus contingency \$1,218,080.33); therefore they did not meet the DBE goal established for this contract. Since the DBE Program does not specify whether to calculate the percentage based on the subtotal or the total bid amount NCDOT recommends the City waive Scurry’s calculation error as a technicality.

Funding

Transportation Capital Investment Plan

32. Light Vehicle Maintenance Facility

- Action:**
- A. Approve the agreement for purchase of property at 3001 North Graham Street for \$1,275,000 which includes all closing costs, and**
 - B. Approve a contract with DMR Architecture, PLLC in the amount of \$646,309 for architectural services for the new Light Vehicle Maintenance Facility.**

Staff Resource: William Haas, Engineering & Property Management

A. Purchase of Property

- The proposed site, PID #077-091-19, is located at the northwest quadrant of North Graham Street and Atando Avenue and is an L shaped parcel behind the Pope-Patterson building.
- The proposed site is centrally located to the clients it will serve.
- The current land use is vacant. The property is approximately 8.9 acres and is zoned appropriately for the Light Vehicle Maintenance Facility (I-2).
 - The appraised value of the land \$140,000/acre and the purchase price \$139,000/acre.
 - The geotechnical report indicates minor soil issues which can be easily addressed in the design of the facility.
 - A Phase I Environmental Assessment identified no onsite environmental conditions.
- Due diligence of the site is complete. City Staff recommends the purchase of the property.

B. Professional Services Contract

- The consultant's contract provides architectural services for a new Light Vehicle Maintenance Facility at the proposed site.
- DMR Architecture, PLLC was chosen through the City's Selection Process and awarded a contract by City Council in 2005 to provide architectural services for a new light vehicle maintenance facility at Central Yard. Due to the length of time committed to locating a suitable site to relocate the facility, the original contract with DMR Architecture will expire. Since the scope and site location included in the original contract changed, City Staff decided to draft a new contract instead of amending their existing contract.
- The facility provides maintenance and repair services for City-owned light vehicles as well as their commissioning and decommissioning (installation and removal of necessary accessories such as light bars, radios, cameras, tool boxes, etc.) for service including Charlotte-Mecklenburg Police Department and Charlotte Fire Department emergency response vehicles.
- The current light equipment maintenance facility located in Central Yard was built in 1928 as a horse barn. This facility is functionally obsolete and requires upgrades to the HVAC, electrical and computer systems. The facility has inadequate parking for the vehicles at that site.
- The design of the new facility will incorporate energy efficient and "green" items as the budget allows.
- The project is specifically listed in the Operational Facilities Master Plan that was adopted by the City Council in October 2007.

- The project will create surplus land in Central Yard which could be sold to create additional tax base and enhance the Belmont Neighborhood Revitalization.

Small Business Opportunity

The City negotiated a SBE goal with DMR Architecture, PLLC after the proposal selection process (Part C: Section 2.2 of the SBO Policy). DMR Architecture, PLLC committed 4.64% (\$29,962) of the total contract amount to Groundworks Studio, PLLC (\$13,490), Q'Spec, Inc. (\$8,472), and Richa Graphics (\$8,000) who are all small businesses certified by the City.

Funding

Government Facilities Capital Investment Plan

Attachment 19

Map

33. Scaleybark Partners, LLC Ownership Restructuring

Action: Approve a transfer of a controlling interest in Scaleybark Partners, LLC from Pappas Properties Development, LLC to Cherokee Investment Partners IV, L.P.

Staff Resources: Peter Zeiler, Economic Development
Bob Hagemann, City Attorney's Office

Explanation

- The Deed of Trust that secures Scaleybark Partners, LLC's payment obligation to the City for the sale of approximately 16 acres of land along South Boulevard requires the City's prior approval of a conveyance of the property or transfer of majority interest in the company.
- Scaleybark Partners, LLC is changing its ownership structure with a goal of completing the change by February 28, 2009. Specifically, Pappas Properties Development, LLC is transferring a majority interest to Cherokee Investment Partners IV, L.P. As noted above, this requires the City's prior approval.
- Cherokee Investment Partners IV, L.P. is an affiliate of Cherokee Investment Partners, a private equity firm headquartered in Raleigh, N.C. specializing in brownfield redevelopment with in excess of \$2 billion invested in more than 525 properties.
- Cherokee has purchased or controls approximately 15 parcels totaling about 25 acres adjacent to the LYNX Blue Line, including a 6.6 acre parcel at 114 Freeland Lane adjacent to the parcels controlled by Scaleybark Partners, LLC.
- In the new structure, Peter Pappas will remain an investor and Pappas Properties will continue to manage the day to day development activities and ensure compliance with the Development Agreement.
- This new partnership structure will allow for a more comprehensive alignment of development of the parcels controlled by Scaleybark Partners and the adjoining parcel controlled by Cherokee.
- This restructuring of the ownership interest will not affect Scaleybark Partners, LLC's obligations to the City under the Development Agreement and modified payment schedule approved by the Council on February 9.

34. Airport Runway Project - Old Dowd Road Relocation Change Order

Action: Approve change order #1 with Crowder Construction in the amount of \$1,608,271 for additional work needed to complete the construction of two bridges on Old Dowd Road Relocation project.

Staff Resource: Jerry Orr, Aviation

Explanation

- In September 2008 City Council awarded a contract to Crowder Construction Company in the amount of \$7,243,723 for construction of two new bridges on the relocated Old Dowd Road and a new portion of road to connect Old Dowd Road to Wilkinson Boulevard.
- This change order includes the following items:
 - Pre-cast concrete culvert installed over the existing Duke Energy transmission line currently running in the path of the Connector Road
 - Duke Energy will not allow the Airport to place the necessary 50 feet of embankment over the underground transmission line, nor will it relocate the line because the additional splices required on the line would be prone to failure in the future.
 - This transmission line feeds power to the north of the Airport and any power disruption would affect thousands of customers. This open-air culvert will protect and maintain the capacity of the line.
 - The transmission line was not shown on the plans as bid; however, the culvert would have been the preferred solution for protecting the line even if the line had been identified earlier.
 - Installation of an additional drainage structure in the vicinity of the connector road bridge.
 - The plans as bid did not identify a stream that impacts the north side of the connector road bridge. The stream cannot be relocated due to the proximity of the railroad mainline and the Duke Energy line.
 - Had the stream been shown, piping the stream would have been the preferred solution to this issue.
 - Lengthened approach slabs for each bridge as directed by NC Department of Transportation engineers due to the number of vehicles projected to use the bridges.
 - The NCDOT specifications determine the length of the bridge approach slabs based on the projected number of vehicles that will use the bridge. In this case, the projected volumes used to design the approach slabs were lower than the NCDOT projections. NCDOT required a change in the design to accommodate the higher projection of traffic.
- These items in the change order are necessary for the completion of the project and are within the original budget. Had these items been included in the original bid, it would have increased the contract award by the amount of this change order.

Disadvantaged Business Enterprise

Established DBE Goal: 14%

Committed DBE Goal: 14%

Crowder Construction submitted their bid on the original contract with a 10% commitment, meeting Good Faith Effort requirements, but has since been able to increase their commitment to 14% DBE participation. They maintain that 14% commitment with the addition of this change order.

Funding

Airport Capital Investment Plan

35. Airport Material Testing Change Order – Old Dowd Road Relocation Project

Action: Approve change order #1 in the amount of \$398,450 with WPC Engineering & Environmental Construction Services for material testing services during construction of the Old Dowd Road Relocation project.

Staff Resource: Jerry Orr, Aviation

Explanation

- On August 27, 2007 City Council approved a contract with WPC Engineering, Inc. in the amount of \$325,000 for material testing for the Old Dowd Road Relocation project.
- WPC Engineering, Inc. was selected through a Request for Qualifications (RFQ) submittal process in which a selection committee reviewed qualification submittals and chose this firm based on specific criteria identified in the RFQ.
- In September 2008 City Council approved a contract in the amount of \$7,243,723 with Crowder Construction Company for Phase II of the Old Dowd Road project, which constructs two bridges and a new connector road between Old Dowd Road and Wilkinson Boulevard.
- This change order provides funding for material testing at the same rates and provides continuity of testing services for the project.
- Material testing is required to ensure the strength of the concrete and steel structure throughout the construction process, monitor the fill and roadway quality of installation, and to ensure that NCDOT specification requirements are being met throughout construction.

Disadvantaged Business Opportunity

This is a professional services contract which requires no goal. WPC Engineering committed to using a certified DBE equaling 5% of the contract.

Funding

Airport Capital Investment Plan

36. Sale of Easement at Airport to Piedmont Natural Gas

Action: Approve the granting of an easement to Piedmont Natural Gas Company for \$25,800 to cross City owned property.

Staff Resource: Jerry Orr, Aviation

Explanation

- The City of Charlotte owns 3.16 acres of land on the west side of I-485 (tax parcel 141-181-41).
- Piedmont Natural Gas Company wishes to purchase an easement for \$25,800 across the eastern side of this parcel to accommodate the installation of a new 12-inch steel natural gas pipeline.
- The easement will be 50 feet wide and encompass .516 acres, more or less.
- The easement will allow Piedmont Natural Gas to provide additional capacity to the areas south and west of the Airport.

37. Airport Property Exchange

Action: Adopt a resolution authorizing a land exchange with Crescent Resources, LLC.

Staff Resource: Jerry Orr, Aviation

Explanation

- The City of Charlotte owns 13.31 acres of land on West Boulevard (tax parcels 143-111-01 and 143-101-01).
- Crescent Resources, LLC owns an adjoining 30.59 acres of land (tax parcel 143-091-03) at the southwest corner of Billy Graham Parkway and West Boulevard.
- Crescent Resources will transfer to the City an 11.23 acre tract of land at the intersection of West Boulevard and Billy Graham Parkway. The City will transfer to Crescent a 12 acre tract of land at the intersection of West Boulevard and Horseshoe Lane.
- An independent MAI appraiser appraised both tracts and determined that they are of equal value.
- The benefits of the exchange are:
 - When a grade separated intersection of West Boulevard and Billy Graham is developed, the City will own the land to accommodate an enlarged intersection.
 - Restructuring property lines allows maximum use of the property currently owned by Crescent Resources LLC and will maximize property taxes to the City.

Attachment 20
Resolution

38. Transfer City Right-of-Way to the North Carolina Department of Transportation

Action: Authorize the City Manager to convey a City owned parcel and easements to the North Carolina Department of Transportation (NCDOT) for the realignment of Shopton Road West, which is part of the Dixie River Road Realignment project.

Staff Resources: Michael Knox, Engineering and Property Management
Derrel Poole, Engineering and Property Management

Explanation

- This parcel, 199-193-89, was acquired as part of the Dixie River Road Realignment project, a 2004 Transportation Bond project approved by voters in November 2004.
- This realignment was included in the Dixie River Road project. The City Manager's Office successfully negotiated construction of this roadway with NCDOT.
- The realignment of Shopton Road West will modify the existing land geometry with the construction of 0.32 miles of roadway and the installation of a new traffic signal at the intersection of Shopton Road West and Steele Creek Road (NC 160).
- The City advanced \$1.2 million to NCDOT for construction of this project. NCDOT will reimburse the City these funds no later than January 1, 2010.
- Conveyance of the land will expedite the roadway construction because NCDOT's bid procedures are shorter than the City's bid procedures.
- NCDOT will not build on property that is not under their ownership; therefore, conveyance to NCDOT is required to expedite construction. Any property remnants will revert to the City's ownership after project completion.

Attachment 21

Vicinity map and original plat
Map showing new parcel ID

39. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:
- January 12, 2009